UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1993/NGO/17
8 February 1993

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS
Forty-ninth session
Agenda item 11

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[3 February 1993]

VIOLATIONS OF HUMAN RIGHTS AND RENEWED ACTIVITY BY PARAMILITARY GROUPS IN 1992: THE EXAMPLE OF COLOMBIA

1. In connection with resolution 1992/57 of the Commission on Human Rights entitled "Civil defence forces", the International Federation of Human Rights (IFHR) wishes to draw the attention of the Commission on Human Rights to the direct and immediate link between violations of human rights and the activities of civil defence forces by citing the example of the situation in Colombia, where the year 1992 was marked by a very serious worsening of the human rights situation, together with a renewal of activity by paramilitary groups.

The context: worsening of the human rights situation in 1992

2. The increasing number of violations of human rights and the increasing polarization of the elements contributing to conflict in Colombia (the army, the guerrillas, the paramilitaries), reflected in the Government's 8 November 1992 declaration of a "state of internal disturbance", justify

the view that the country will shortly be reaching a dangerous point-of-no-return. Murders, disappearances and massacres continued during 1992 on an extremely disturbing scale. This violence was characterized, in the first place, by an increase in the number of collective massacres, 485 persons being killed in 96 massacres between January and June 1992. The department of Antioqua holds the dismal record of 32 massacres and 148 deaths. These appalling figures exceed those for 1988, a year in which a great number of collective massacres was recorded.

3. A second feature of these violations of human rights is the political nature of the murders committed. During the period from 1 January to 31 May 1992, 280 political murders were recorded, 30 of which were blamed on the paramilitary groups, the increase in whose activity is examined below.

4. The political movement Esperanza, Paz y Libertad alone, the political arm of the former EPL guerrillas who lay down their arms in 1991, has counted, during the first five months of 1992, 92 members murdered by members of the armed forces, paramilitaries or the police. But it is mainly the Patriotic Union, an opposition party which has regularly put forward candidates in various elections and has achieved undeniable success, that holds the sad record for the number of members murdered: 2,113 since the Union's establishment in 1985. This policy of systematic elimination of the opposition formed by the Patriotic Union, adopted on the initiative of certain elements in the armed forces and paramilitary groups, is exemplified by a massacre which took place at El Castillo (Meta) in June 1992, when the outgoing mayor Maria Mercedes Mendez de García, the new mayor William Ocampo and three municipal officials were killed in an attack by a group of paid killers. The Patriotic Union has indirectly accused members of the 21st "Vargas" Battalion and of the 7th Brigade, stationed in the area, of being responsible for this massacre and has urged the dismissal of Lieutenant Rojas, commanding officer of Mobile Brigade No. 1, which forms part of the 7th Brigade.

A fundamental cause of the worsening of the situation: renewed activity by paramilitary groups in 1992

5. The IFHR considers that the reactivation of the paramilitary groups, for which the Colombian Government is directly responsible, is the fundamental reason for the deterioration of the human rights situation in Colombia. Paramilitary activities have always been one of the causes of violence in the country. The areas in which they have taken place have varied in recent years, but they have never totally stopped and during 1992, they became more frequent.

6. An odd fact, peculiar to Colombia, is that paramilitary activity formerly had a legal basis. It is to be feared that it will now find such a basis once again, but in other forms. In this connection we would recall the notorious Act No. 48 of 1968 which authorized the army to organize and train so-called civilian "self-defence" units. This Act remained in force until April 1989, facilitating throughout this entire period the raising of powerful paramilitary organizations which engaged in "legal" hunting of political opponents and guerrilla units both by night and by day. These groups were

rapidly infiltrated and even controlled and financed by the drug mafia and constituted a "natural" milieu for corruption of the armed forces by the mafia.

7. Despite the sometimes praiseworthy efforts made to break up these organizations, most of them survived the notorious "total war" declared in August 1989 between the Government of President Barco and the Medelin cartel. After the election of President Gaviria in 1990, the policy of "submission to justice" offered to the traffickers, followed by renewal of the peace dialogue with the guerillas, led certain paramilitary groups to lay down their arms. There was, it is true, a slight decline in paramilitary activity in 1991, but the paramilitary groups became active again in 1992. In the Santander area, for example there has been a virtual takeover by these groups and many studies have shown that the inhabitants are left with no choice: they must either participate in the paramilitary activities or go into exile. The paramilitary phenomenon is therefore thriving again throughout the country and is particularly concentrated in such areas of insurgency as Meta, Magdalena and Uraba Antioqueno. The situation regarding the responsibility of the State for the continuation of these paramilitary activities is quite clear. The State is, in fact, noticeable by its absence and is thus allowing veritable "no go" areas to be created, by no means as a result of chance. It is undeniable that there are old and powerful organic links between the army and the paramilitary groups. The persistence of these links and the impunity enjoyed by the military personnel directly implicated in the massacres are interpreted by the IFHR as signifying actual tacit approval by the armed forces.

8. The activity of these paramilitary groups demonstrates, at the very least, the inability of the State, not only to maintain public order, but also to plan a return to the rule of law in the region. Worse still, the Government's attitude to paramilitarism is showing a disturbing trend: whereas in the past there was some condemnation of paramilitarism, there are now unconvincing denials of the existence of this problem. Worth mentioning, in this connection, is the meeting held in late August between the Minister of Defence, senior generals of the army and the police and the heads of major enterprises to discuss the placing of security militia units in the enterprises. The idea was in fact to set up within enterprises, in collaboration with and under the control of the army, private militias to protect the enterprises and their management against the risk of attacks, abductions and extortion. Such arrangements continued on a completely official basis from 1968 until 1989 and it is this that allowed the development of many paramilitary groups, in the Magdalena Medio area in particular. This greatly facilitated the organization of such groups and led to the murder of dozens of trade union members and leaders. There is reason to be concerned at the statement by President Gaviria himself, in a speech to the Association of Industrialists (ANDI), in which he praised "private justice", saying that "the support of honest Colombians who wished, in their own interest, to help the authorities in their battle against offenders and organized crime" would be most effective if private individuals were to assume responsibility for their own security. This statement by President Gaviria was in fact an encouragement to set up private militias and local paramilitary groups.

9. There has, in fact been an increase in the activities of the paramilitary groups. According to the Colombian organizations for the defence of human rights, 5,774 Colombians are now threatened with death. The massacre of whole villages has been promised in the "sufragios" (death notices) sent out by local paramilitary groups in such areas of army-guerilla confrontation as Ariari, Duda and Sumapaz.

Cause and effect of the worsening of the human rights situation: impunity enjoyed by those who permit exactions

10. Finally, the impunity enjoyed by those who commit these violations of human rights is serving to aggravate the situation in Colombia, even though in some rare instances certain guilty persons have been tried and convicted by the Colombian courts. The impunity of State officials, in particular, has been publicly denounced by the Procurator for Human Rights, who - in a report submitted on 9 September 1992 - noted that in 1991 his office had recorded 566 complaints concerning disappearances and 305 cases of torture. Members of the National Police were directly implicated in 63 of the disappearances, members of the armed forces in 68 and Administrative Security Department (DAS) agents in 3. One hundred and six members of the police force, 9 of the DAS, 98 members of the armed forces and 10 other State officials were implicated in cases of torture. The People's Defender's report to the Government, which was prepared at the request of the Congress, lists 830 cases of murder committed during the election campaign, most of the victims being members of the Patriotic Union or the Esperanza Paz y Libertad movement who were being officially investigated. Only 10 of these offenders came before the courts and in 6 cases the result was acquittal of the accused. Yet according to the official report the paramilitary groups bear primary responsibility for these crimes and after them come employees of the State (army and police personnel). Even more specifically, in the case of the murders of important opposition leaders, such as Jaime Pardo Leal in October 1987, the report deplores "the unpublicized but obvious pressure" on the courts. This impunity, which has long being denounced by all the organizations for the defence of human rights, is a major scandal in Colombia and one of the primary causes of violations of human rights.

11. The International Federation for Human Rights therefore requests the Commission on Human Rights to examine this situation very closely when it considers the report of the Secretary-General under Commission resolution 1992/57.